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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George S. Gabriel et al.

Serial No.: 09/173,134

Art Unit: 3643

Filed: October 15, 1998

Examiner: Son T. Nguyen

For: MULTISPECIES RODENT CAGE

January 28, 2002

DECLARATION OF DIETRICH CRASE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Declaration is submitted by the undersigned, Dietrich Crase, who makes the following Declaration:

1. I am currently Associate Director of Pharmacology at Advanced Medicine, 901 Gateway Boulevard, South San Francisco, California 94080. I have held that position since 1998. I have no financial interest in Lab Products, Inc. (LPI), or in any entity related thereto or affiliated therewith

2. As Associate Director of Pharmacology, my responsibilities include the selection and purchase of laboratory equipment, including rodent cages and systems.

3. Advanced Medicine's laboratory is relatively small with limited storage space. Despite those physical limitations, our laboratory has very high throughput. By that I mean that we conduct a substantial amount of animal evaluations and testing on a variety of animal types. Most of our animal evaluations and testing are conducted on rodents; namely mice and rats. Consequently, we frequently must reconfigure our laboratory space to accommodate a different

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rodent type upon completion of one test. It is thus necessary for us to inventory rodent cage and rack systems for each rodent type that may be subject to evaluation or testing in our laboratory.

4. At least before 1999, Advanced Medicine was purchasing a variety of different sized rodent cages and systems from various suppliers to accommodate a variety of different rodent types and sizes. One of the various suppliers was LPI.

5. In or around 1999, Advanced Medicine decided to incorporate into its operations a rodent caging system that would allow maximum versatility, while at the same time employing a minimum number of components, sizes, styles, etc. Also in or around 1999, Advanced Medicine became aware of the One Cage™ System being offered for sale by LPI. At that time, Advanced Medicine could find no other cage level barrier rodent cage available from any supplier other than LPI that would satisfy Advanced Medicine's rodent caging system needs.

6. LPI's One Cage™ System met Advanced Medicine's rodent caging system needs (see number 5, above) exceedingly well and enabled Advanced Medicine to accommodate different rodent species (i.e., sizes) in the same room, even on the same rack, with the additional benefit of reducing inventory of cage types.

7. The "standardized caging" provided by LPI's One Cage™ System has greatly enhanced Advanced Medicine's efficiency and laboratory and storage space utilization.

8. The benefits recognized by Advanced Medicine, as set forth in paragraphs 6 and 7 above, are due to the ability of LPI's One Cage™ System to accommodate a plurality of rodent types, and to its unique size and proportion, specifically, to the fact that the cage level barrier rodent cage of the One Cage™ System has a floor with a footprint with an area of 80 square

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inches. Moreover, the One Cage™ System meets ILAR requirements for each rodent type housable within the One Cage™ System.

9. Since LPI's introduction of its One Cage™ System, Advanced Medicine has not found any other cage level barrier rodent cage of the One Cage™ System has a floor with a footprint with an area of 80 square inches, and that can accommodate a plurality of different rodent types, while meeting ILAR requirements for each rodent type, as can the One Cage™ System.

10. One reason Advanced Medicine selected and continues to purchase LPI's One Cage™ System is the cost savings we realize by not having to purchase and inventory different cage level barrier rodent cages and systems for our different rodent type needs. We can now purchase a single cage level barrier rodent cage and system for all of our rodent types.

11. Another reason Advanced Medicine selected and continues to purchase LPI's One Cage™ System is that it provides us with the ability to standardize the size of our cage level barrier rodent cages and systems. We have been able to significantly improve our use of laboratory and inventory space as a result of the standardized cage and rack footprint provided by the One Cage™ System. We have also been able to more easily transition from evaluating or testing different rodent types. I believe that the One Cage™ System is a significant improvement over other commercially available cage level barrier rodent cages and system because it results in a more efficient use of valuable laboratory space and simplified facilities planning and design.

12. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: January 25, 2002



Dietrich Crase
Associate Director of Pharmacology